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Written statement* submitted by the Human Rights Now, a non-governmental organization in special consultative status

The Secretary-General has received the following written statement which is circulated in accordance with Economic and Social Council resolution 1996/31.

[23 August 2018]

* Issued as received, in the language(s) of submission only.

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Current Human Rights Situation of Rohingya People

1. Introduction

Human Rights Now (HRN), a Tokyo-based international human rights NGO, remains deeply concerned about the situation of displaced Rohingya.

Over 700,000 Rohingya refugees fled last year's violence to camps in Cox's Bazar, Bangladesh, joining about 200,000 from past flights. They face environmental and health risks and a shortfall of services and aid. The Myanmar government has also failed to acknowledged or hold persons accountable for crimes against Rohingya, and the credibility of its responses have been seriously criticized.

HRN calls on the Myanmar government to ensure accountability for crimes against Rohingya and credible good faith responses to address the situation and prevent future violence. The international community must also increase aid to Rohingya refugee camps, and we request the Council to establish an international accountability mechanism.

2. The Current Situation of Rohingya in Bangladesh

Rohingya camps in Bangladesh face serious challenges by a lack of sufficient funding and building space, dangerous weather conditions, and the vast scale of need, even as Rohingya refugees continue to arrive.

(a) Risks in Refugee Camps

Camps face serious flooding and landslides which have damaged 1,326 shelters this summer and caused injuries and deaths, including five refugee children killed by a landslide on July 25, threating refugees' rights to life and health. The risk is driven by severe congestion, shelters built on unstable land and below minimum standards, and serious underfunding for improvements.1 Bangladesh could significantly improve the situation by opening nearby suitable land for camp expansion and by the international community significantly increasing its aid to the camps.

There are concerns with Bangladesh's decision to move to 100,000 Rohingya to Bhasan Char, an uninhabited island in the Bay of Bengal, to address the congestion, however. The move may involve non-voluntary removals, lack of freedom of movement, unreasonable distance from the border and other Rohingya communities, and poor infrastructure threatening Rohingya's rights to life and health.

(b) Lack of Services

There is also a serious shortfall of services for refugees.2 ISCG reports that education coverage is inadequate for adolescents (15 to 24 years old). Food assistance remains seriously underfunded at just 18% of its requirements, health at only 17%, and nutrition services at 31%. The total number of acute watery diarrhea cases in 2018, up to August, was 140,118, and the WHO reported more than 10,000 acute respiratory infection cases per week during July.

Services are particularly needed to address protection risks. Gender based violence services are severely limited for approximately 85% of sites, 115 additional GBV contact points are required, and 10,957 children have been identified as at risk and needing child protection.3 Culturally-sensitive services are also needed especially for victims of sexual violence and rape.4 All of these risks raise concerns about refugees' rights to food, water, life and health, and children's and women's rights.

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1 "ISCG Situation Report: Aug 2018", https://reliefweb.int/report/bangladesh/iscg-situation-report-rohingya-crisis-coxs-bazar-16-august-2018-covering-31st-13th; "Landslides kill five near Rohingya camps in Bangladesh", 25 July 2018, http://www.dailymail.co.uk/wires/afp/article-5989339/Landslides-kill-five-near-Rohingya-camps-Bangladesh.html.
2 The statistics in this section are from *ibid.*
3 ISCG, *supra*, note 1.
4 Alsaafin, "Bangladesh: Rohingya rape survivors battle stigma", Al Jazeera, 8 Aug. 2018, https://www.aljazeera.com/news/southasia/2018/08/bangladesh-rohingya-rape-survivors-battle-stigma-180807152944389.html.

(c) Rohingya Returning to or Remaining in Myanmar

Refugees have consistently reported wanting to return to Myanmar, including in our own interviews.5 However, they also consistently demand, as a precondition, assurances of citizenship, legal rights, access to services, justice, restitution of their homes and property, public recognition of their Rohingya identity, and respect for their rights, peace, and security. Myanmar has reported returnees, but the evidence suggests Rohingya have not been returning in any substantial numbers.6 The Myanmar-Bangladesh agreement to arrange repatriation, which is secret but has been leaked to reporters, has been criticized for not guaranteeing citizenship or freedom of movement.7

Rohingya currently living in Rakhine state are isolated, vulnerable, and struggling to live, having lost their communities.8 This threat to their economic and social rights is compounded by continuing restrictions on humanitarian aid into Rakhine state. There have also been reports of mass arbitrary detentions of Rohingya in Rakhine State,9 and returning refugees have faced detention in Myanmar.10 While these suggest serious violations of Rohingya's freedom from arbitrary detention, Myanmar has not publicly released the numbers of detained Rohingya nor their specific charges.

3. Crackdown on journalists

Myanmar has also been increasingly cracking down on journalists, violating their freedom of expression, particularly those reporting on Rohingya.11 On 9 July 2018, after seven months of detention, a Myanmar court charged two Reuters journalists, Wa Lone and Kyaw Doe Oo, with obtaining state secrets following their investigative reporting of the execution of 10 Rohingya (mentioned above), beginning the trial stage.12 The journalists claim that police planted the documents on them.

Journalists and activists have also faced threats of defamation charges, which carries a two-year sentence. According to one Myanmar journalist, "The most dangerous thing is (that) local people in Rakhine understand (from) some military and police officials that they are allowed to kill someone if they come with a camera."13

4. The Myanmar Government's Continuing Failure to Take Responsibility for the Rohingya Crisis

The response of the Myanmar authorities to the Rohingya crisis has been grossly insufficient given the scale and seriousness of the violations involved. Myanmar authorities have regularly denied allegations of crimes against Rohingya, for example, claiming that Rohingya burned their own houses14 and that the military did not extra-judicially execute Rohinga except in one case of 10 executions where irrefutable evidence was reported (the reporters of which

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5 HRN, "Investigative Report of Rohingya Refugee Camps in Bangladesh", 12 April 2018, http://hrn.or.jp/eng/news/2018/04/12/rohingya-camps-report/.
6 Beech, "Myanmar Official Line: Rohingya Are Returning. But Cracks in That Story Abound", NYTimes, 2 Aug. 2018, https://www.nytimes.com/2018/08/02/world/asia/myanmar-rohingya-rakhine.html.
7 "U.N. urges Myanmar to pave way for Rohingya returns, grant citizenship", Reuters, 8 Aug. 2018, https://www.reuters.com/article/us-myanmar-rohingya-un/u-n-urges-myanmar-to-pave-way-for-rohingya-returns-grant-citizenship-idUSKBN1KT142.
8 Emont & Myo Myo, "Rohingya Muslims Who Remain in Myanmar Struggle to Survive", WSJ, 8 Aug. 2018, https://www.wsj.com/articles/rohingya-muslims-who-remain-in-myanmar-struggle-to-survive-1533720603.
9 Siddiqui & McPherson, "We are always missing you': Torn apart by violence, Rohingya families connect through letters", 13 July 2018, Reuters, https://www.reuters.com/article/us-myanmar-rohingya-messages-insight/we-are-always-missing-you-torn-apart-by-violence-rohingya-families-connect-through-letters-idUSKBN1K31QH.
10 Al Hussein, "Thousands of Rohingya refugees continue to flee violence", OHCHR, 4 July 2018, https://www.ohchr.org/EN/NewsEvents/Pages/DisplayNews.aspx?NewsID=23324.
11 Starr, "The Myanmar journalists risking their lives to report on the Rohingya's plight", The National, 3 Aug. 2018, https://www.thenational.ae/arts-culture/the-myanmar-journalists-risking-their-lives-to-report-on-the-rohingya-s-plight-1.756498.
12 Slodkowski & Naing, "Myanmar court files secrets act charges against Reuters reporters ", Reuters, 9 July 2018, https://www.reuters.com/article/us-myanmar-journalists-ruling/myanmar-court-charges-reuters-reporters-under-official-secrets-act-idUSKBN1JZ095.
13 Starr, *supra*, note 17.
14 Beech, "Myanmar Official Line: Rohingya Are Returning. But Cracks in That Story Abound.", NYTimes, 2 Aug. 2018, https://www.nytimes.com/2018/08/02/world/asia/myanmar-rohingya-rakhine.html.

have since been detained).15 The government has also rejected the ICC's request for jurisdiction, calling it "meritless and should be dismissed."16

An Advisory Panel established by the Myanmar government to implement recommendations on the crisis has seen two resignations by Bill Richardson, who accused the panel of whitewashing crimes, and Kobsk Chutikul, who protested the panel's lack of progress.17

According to the Myanmar government, to date, aside from the reported execution mentioned above, there have not been prosecutions or an accountability mechanism established for crimes committed against Rohingya domestically or internationally. In August, The Myanmar Government announce the establishment of the Independent Commission on Enquiry (ICOE)18, however, the body does not seem to seek accountability on grave violations of human rights committed by military.

5. Recommendations

HRN is deeply concerned about the situation of Rohingya refugees and recommends the following.

To Myanmar authorities

- End human rights violations and discrimination against Rohingya
- Release arbitrarily detained Rohingya;
- Immediately ensure Rohingya living in Myanmar have sufficient access to humanitarian aid.
- Ensure accountability for crimes committed against Rohingya;
- Modify its repatriation agreement to address Rohingya citizenship, freedom of movement, and other issues requested by Rohingya,
- including recognition of Rohingya identity, restitution for lost homes and property, and assurances for respect of Rohingya rights, peace, and security.
- Address the route cause of problem and seek long tem solution and implement the recommendations made by the Advisory Commission on Rakhine State led by Mr. Kofi Anan

To the Government of Bangladesh

- Provide nearby suitable land for expanding Rohingya camps and ensure freedom of movement and legal status for refugees.

To the Council

- Establish an international accountability mechanism to facilitate prosecution of crimes against Rohingya.

15 Al Hussein, supra note 8.
16 "Myanmar to ICC: Rohingya jurisdiction request 'should be dismissed'", Reuters, 9 Aug. 2018, https://www.reuters.com/article/us-myanmar-rohingya/myanmar-to-icc-rohingya-jurisdiction-request-should-be-dismissed-idUSKBN1KU1NG.
17 "Citing lack of progress, secretary to Myanmar's Rohingya panel quits", Reuters, 21 July 2018, https://www.reuters.com/article/us-myanmar-rohingya-panel-exclusive/exclusive-citing-lack-of-progress-secretary-to-myanmars-rohingya-panel-quits-idUSKBN1KA2IB.
18 http://www.moi.gov.mm/moi:eng/?q=news/17/08/2018/id-14587.